

Message Text

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42

ACTION ORM-02

INFO OCT-01 NEA-10 IO-11 ISO-00 DHA-02 VO-03 CIAE-00

FBIE-00 INSE-00 NSAE-00 SCA-01 /030 W

----- 126741

R 091115Z APR 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 9261

INFO AMEMBASSY TEHRAN

USINT BAGHDAD

C O N F I D E N T I A L GENEVA 2739

E.O. 11652: GDSA

TAGS: SREF IZ

SUBJECT: REPORT OF FORCIBLE REPATRIATION OF KURDISH REFUGEES

REF: A. STATE 084345, B. GENEVA 2477, C. STATE 77151

1. FOLLOWING EXTENDED DISCUSSION WITH UNHCR OFFICIAL RESPONSIBLE FOR PROGRAM, MISSION IS ASSURED THAT UNHCR HAS NO INTENTION OF ABDICATING ITS MANDATED RESPONSIBILITIES IN REGARD TO KURDISH REFUGEES IN IRAN. IT EVIDENT IN LIGHT OF THIS DISCUSSION THAT FIRST SENTENCE OF PARA 3, REF. B, WAS INEXACT AND OVERLY SIMPLISTIC DESCRIPTION OF A VERY NUANCEE POSITION. UNHCR'S ACTUAL POSTURE IN THIS MATTER IS FOLLOWS.

2. UNHCR CONCURS FULLY IN DEPARTMENT'S VIEW THAT KURDISH REFUGEES ARE "PRIMA FACIE ELIGIBLE UNDER UNHCR MANDATE" ALTHOUGH THEY HAVE NEVER, FOR POLITICAL REASONS SET FORTH BELOW, BEEN FORMALLY DECLARED AS SUCH. AS DEPARTMENT AWARE, UNHCR PRESENCE IN IRAN IS ON BASIS OF GOI'S "GOOD OFFICES" REQUEST OO HCR OF AUGUST 6, 1975. ITS BASIC OBJECTIVE IN RESPONDING TO THIS PLEA IS TO SAVE THE LIVES OF SOME 1,400 KURDS NOW IN IRAN AND IT HAS FELT IT BEST FOR PRACTICAL AND TECHNICAL REASONS NOT TO LABEL THIS OFFICIALLY AS A REFUGEE OPERATION. UNHCR CONSIDERS THAT, WERE IT TO DO SO, I.E., WERE THE KURDS IN IRAN TO BE CLASSED AS "REFUGEES", THIS WOULD LIKELY TRIGGER AN IMMEDIATE IRAQI PROTEST AND PRESSURE

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UPON THE IRANIAN GOVERNMENT TO RETURN THESE PEOPLE ON GROUNDS

THAT THEY WOULD BE COMPLETELY WELCOME ON THEIR NATIVE TURF. WHILE THERE HAS BEEN A "SUFFICIENT LEVEL OF TOLARANCE" ON THE PART OF BAGHDAD THUS FAR TO PERMIT THIS OPERATION TO CONTINUE, AND WHILE THE IRAQIS HAVE NOT APPROCHED THE UNHCR TO PROTEST THE OPERATION, UNHCR REP SAYS THEY ARE QUITE SWARE OF FACT THAT IRAQIS HAVE INDICATED TO IRANIAN GOVERNMENT ON SEVERAL OCCASIONS THEIR UNHAPPINESS OVER THE SITUATION. ACCORDINGLY, WHILE THE UNHCR FEELS THAT THE KURDS COULD VERY PROPERLY BE MANDATED, THEY CONSIDER THAT IT WOULD BE IN-ADVISABLE TO DO SO IN THE EXISTING ATMOSPHERE OF CLOSER IRAQI-IRANIAN RELATIONSHIPS FOLLOWING UPON LAST YEAR'S REAPPROACHMENT IN ALGIERS.

3. HAVING MADE THE FOREGOING POINTS CONCERNING THE DELICACY OF THIS OPERATION, AND THE ABSOLUTE NECESSITY NOT TO JEOPARDIZE IT BY ANY UNNECESSARY ROCKING THE BOAT, UNHCR REP CONTINUED TO ASSURE MISSION THAT HIGH COMMISSIONER HAS NO INTENTION WHATEVER OF ABDICATING HIS RESPONSIBILITIES TOWARD ANY REFUGEES, DESIGNATED OR DE FACTO, UNDER HIS MANDATE. PROBLEM IS THAT IT (UNHCR) HAS BEEN UNABLE THUS FAR TO ESTABLISH SPECIFIC EVIDENCE OF REFOULEMENT IN ANY OF THE CASES THAT HAVE BEEN BROUGHT TO ITS ATTENTION FROM SEVERAL SOURCES TO DATE. LATTER INCLUDES INCIDENT CITED REF. C, WHICH HAS BEEN REFERRED FOR INVESTIATION TO UNHCR REP IN TEHRAN (GOODYEAR), WHO IS PROBING DISCREETLY AND MAINTAINING "OPEN BOOK" ON SUBJECT. GOODYEAR HAS FURTHER BEEN SPECIFICALLY INSTRUCTED BY HIGH COMMISSIONER THAT WHILE HIS IMMEIDIATE TASK IS TO GET KURDS SAFELY OUT OF IRAN, HE IS NEVERTHELESS "TO KEEP HIS EYES AND EARS OPEN" FOR ANY POSSIBLE MISTREATMENT OF THESE REFUGEES. IN EACH INSTANCE TO DATE, HOWEVER, KURDISH COMMUNITY WHEN APPROACHED FOR FACTS, DATES, NAMES AND OTHER NECESSARY PARTICULARS HAS, FOR REASONS KNOWN BEST TO ITSELF, BACKED AWAY FROM ORIGINAL REPORTS. UNHCR REP STATED CATEGORICALLY THAT SHOULD A CASE OF REFOULEMENT BE CONFIRMED HIGH COMMISSIONER WOULD BE "IMPELLED" AND FULLY PREPARED TO MAKE FIRM DEMARCHE TO IRANIAN GOVERNMENT (DESPITE HIS OWN IRANIAN NATIONAALITY) TO PROTEST ITS VIOLATION OF HIS MANDATE AND INSIST UPON APPROPRIATE MEASURES. (REP REPORTED SADRUDDIN HAD SO ANNOUNCED WITH VIGOR DURING EARLIER DISCUSSION OF REPORTED VIOLATION.)

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4. MISSION ACCEPTS EXPLANATION THAT THIS IS VERY FRAGILE OPERATION WHICH MUST BE TREATED WITH GREAT SENSITIVITY IN INTERESTS OF REFUGEES CONCERNED, BUT THAT SHOULD A SPECIFIC CASE OF FORCIBLE REFOULEMENT BE ESTABLISHED, HIGH COMMISSIONER WOULD CARRY OUT HIS MANDATE IN PROPER MANNER. MISSION REGRETS ANY MISCONCEPTIONS THAT MIGHT HAVE BEEN CREATED BY CRYPTIC DESCRIPTION OF UNHCR ATTITUDE IN PREVIOUS MESSAGE. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: KURDS, REFUGEES, REFUGEE RESETTLEMENT, REPATRIATION, POLICIES, HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976GENEVA02739
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760135-0051
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760479/aaaacpij.tel
Line Count: 115
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ORM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 84345, 76 GENEVA 2477, 76 STATE 77151
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 10 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 MAY 2004 by woolflhd>; APPROVED <23 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPORT OF FORCIBLE REPATRIATION OF KURDISH REFUGEES
TAGS: SREF, IZ, US, UNHCR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006